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12 Attorneys for Plaintiff  
INNOVATION VENTURES, LLC, LIVING ESSENTIALS, LLC  
13 AND INTERNATIONAL IP HOLDINGS, LLC

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16

17 INNOVATION VENTURES, LLC, LIVING  
ESSENTIALS, LLC, and INTERNATIONAL IP  
18 HOLDINGS, LLC,

19 Plaintiff,

20 v.

21 PITTSBURG WHOLESALE GROCERS, INC.,  
22 d/b/a PITCO FOODS, ET AL.,

23 Defendants  
24

25 RELATED ACTIONS.  
26

Case No.: C-12-5523-WHA

**STIPULATION AND ~~PROPOSED~~  
ORDER OF DISMISSAL WITH  
PREJUDICE**

27 WHEREAS, Plaintiffs Innovation Ventures, LLC, Living Essentials, LLC, and International IP  
28 Holdings, LLC (collectively, “Living Essentials”) filed and served its Second Amended Complaint on

1 December 5, 2012; WHEREAS, defendant Pacific Groservice, Inc. and Pittsburg Wholesale  
2 Grocers, Inc. (collectively, "Pitco") filed and served its Answer to Living Essentials' Second Amended  
3 Complaint, Counterclaim Against Plaintiffs, and Cross-Claims Against the Dan-Dee Company Inc. on  
4 April 18, 2013;

5 WHEREAS, Aristotle Pericles Navab and David Luttway—the owners of Pitco—were initially  
6 named as defendants in this action, but were dismissed voluntarily and without prejudice by Plaintiffs  
7 on January 14, 2013;

8 WHEREAS, pursuant to the settlement between Plaintiffs and Pitco, Mr. Navab, and Mr.  
9 Luttway, Pitco has assigned to Plaintiffs its Cross-Claims against the Dan-Dee Company Inc.;

10 WHEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the  
11 undersigned, and subject to approval by the Court, that:

- 12 1) The captioned action shall be dismissed with prejudice as against Pitco;
  - 13 2) The prior dismissal of Aristotle Pericles Navab and David Luttway shall be deemed with  
14 prejudice;
  - 15 3) Pitco's counterclaims against Living Essentials are hereby dismissed with prejudice;
  - 16 4) Living Essentials and their surety, American Contractors Indemnity Company, are released  
17 from any and all liability under Bond Number 10000772115 as it relates to the Temporary  
18 Restraining Order dated 10/26/12;
  - 19 5) Living Essentials and their surety, American Contractors Indemnity Company, are released  
20 from any and all liability under Bond Number 10000772114 as it relates to the seizure  
21 executed against Pitco; and,
  - 22 6) This Court shall retain jurisdiction over this matter in order to enforce the terms of this  
23 dismissal **for 90 days from the date of this order.**
- 24  
25  
26  
27  
28

1 CONSENTED AND AGREED BY:

2 Dated: August 13, 2013

MURPHY PEARSON BRADLEY & FEENEY

3  
4 /s/ Thomas Mazzucco

5 Thomas P. Mazzucco  
6 *Attorneys for Plaintiffs*  
7 *Innovation Ventures, LLC, Living Essentials,*  
8 *LLC, and International IP Holdings, LLC*

9  
10 Dated: August 13, 2013

PATTERSON BELKNAP WEBB & TYLER LLP

11 /s/ Geoffrey Potter

12 Geoffrey Potter  
13 Michelle W. Cohen  
14 Christos G. Yatrakis  
15 *Attorneys for Plaintiffs*  
16 *Innovation Ventures, LLC, Living Essentials,*  
17 *LLC, and International IP Holdings, LLC*

18 Dated: August 13, 2013

19 /s/ Jennifer Taylor

20 Jennifer Taylor  
21 Wendy Garbers  
22 Mark Poe  
23 MORRISON & FOERSTER LLP  
24 *Attorneys for Defendants Pacific Groservice, Inc.*  
25 *and Pittsburg Wholesale Grocers, Inc.*

26  
27 PURSUANT TO STIPULATION, IT IS SO ORDERED.

28 DATED: August 15, 2013.



William Alsup  
United States District Judge